FOR MYSORE STATE

Education (1952) Departm

G.O Rt No. 1160 Edu

Dated 10 - 4 -- 52

Land Requisition - (Sankikanara) H...pi
Taluk and Town - Casba Bajaar w...
Site for the expansion of the Girls' ...
of the Canara High School, Mangalore
Declaration under Section 6 of the ... of
Published -

Land Acquisition - (South Kanara) - Mangalore taluk and Town - Casba Bazaar village T.S.No.363 for the extension of the girls section of the Canara High School - Draft Declaration further remarks called for.

Ref. No. I.6447/51-1

Station: Madras. d/21-9-51.

Sri N.C. Thomas, B.A., Joint Secretary, Board of Revenue.

Sri W.R.S. Sattianathan, I.C.S., Commissioner of Land Rev.

Read: South Kanara Collector's R.Dis.19060/50 dated 2-8-51.

ASSISTANT SECRETARY 25 SEP 1951 37924 EDUCATION DEPARTMENT

→ 9-10 infra

REFERENCE:

It is stated by the objector that the school has lettout portions of its own buildings for rent. If this is true an application for additional accommodation is malafide.

2. It is seen from the sketch that there are vast unbuilt blocks in S.Nos.362, 365, 355, 10/2 and 8/1. In the event of acquisition the building in S.No.349 the adjacent land cannot be extended into T.S.No.363 (proposed to be acquired) nor can the buildings on S.No. 364/1 the land adjoining on the other side be extended eastwards into S.No.363. The main object into which the acquisition is asked for seems to be to annex the building on S.No.363 for which the correspndent appears to have privately negotiated with the owner in 1945 and the deal fell through as would not be pay Rs.21,00/- demanded for the property. In the light of the above remarks the Collector is requested to state of what use the land would be to the school in the circumstances and whether the Educational authorities have approved of the acquisition now, apart from thier agreeing in 1945 and to send a copy of the Deputy Educational Officer's letter to the Board early. He is also requested to state why the extension could not be made in the unbuilt blocks of the lands already owned by the School and why this acquisitions should be made.

3. The Collector is also requested to report whether the Management of the School has got sufficient funds to meet the entire cost of acquisition and also the enhanced compensation in case a re-fee to Court under section 18 of the Land Acquisition Act is asked for; also whether the management has agreed to the usual conditions of alienation. If so he is requested to submit a consent statement of the management and a copy of the draft conditions of alienation duly agreed to by the management. This may be necessary in case the Board decides that the acquisition is neces sary.

6. The notifications under section (6) of the L.A.Act submitted by the Collector is not in order. It is also not known under what section of the L.A.Act he wants to invoke the urgency provisions and the need and the justification for invoking the urgency provisions. He is requested to state the necessity to invoke the urgency clause in this case and fully justify such a step.

5. The notification submitted with his letter cited above is returned herewith for rivision.

28-9-57

for Joint Secretary.

To the Collector of South Kanara (with enclosures)
Copy to the Secretary to the Government, Educational Department

Land Acquisition (South Kanara) Mangalore taluk and Town Carba Bazaar Village: Certain sites for the extension of the girls section of the Canara High School - Draft Declaration.

From the Board of Revenue Pol. No. I. 6447/51-1 dt 21-9-5

Memo No 37924 Pol/51-1 Edn. dated. 8-12-51

The Board of Revenue is requested to state whether the reply from the Collector of South Kanara to its reference cited above has since been received and if so finals proposals in the matter may be expected.

6/12/51 7/12

REVENUE DEPARTMENT

SUBJECT:

LAND ACQUISITION(SOUTH KANARA)-Mangalore Taluk and Town-Casba Bazaar village-Certain sites for the extension of the girls section of the Canara High School Draft Declaration

-x-x-x

Edn. B

Please see the interim reply from the Bd of Revenue at P5 cute. The final reply may be awaited till ~~25/2/55~~ 21-1-52

28/12/51 28/1

Land Acquisition (South Kanara) - Mangalore Taluk and Town - Casba Bazaar village - Certain Sites for the extension of the girls section of the Canara High School Draft Declaration

From the Board of Revenue Ref I: 6447-51-3 d/ 21-12-51

Memo No 37924 B/51-2 Edn d/ 25-1-52

The Board of Revenue is requested to expedite the final report in the matter

21/1/52 24/1

24-1-52

Sri. A. R. Rajaratnam, B. A.,
Collector of South Kanara

To

The Secretary to Government Education Department,
Fort. St. George, M a d r a s - 9.

Through

The Secretary to the Board of Revenue,
Land Revenue, Chepauk, Madras - 5.

(In Duplicate)

Sir,

Sub:- Land Acquisition - South Kanara District - Mangalore Taluk and Town - Casba Bazaar village - T.S.No.363 - for the expansion of the Girl's section of the Canara High School - Draft Declaration - submitted.

p21 of (V)

Ref:- G.O. Rt. No.389 Education dated 2-11-1950.

The draft 4 (1) Notification in this case was approved in the G.O cited and was published at P.660 of Part 1 B of the Fort. St. George Gazette dated 14-11-1950.

p21 of (X)

2. Notices under Secs. 4 (1) and 5 (a) were duly served on the parties interested. Srimati Helen Mathias is the only interested party and she is represented by her power of attorney holder Sri. A.J.B.Mascarehhas. During the enquiry, the power-of-attorney holder has objected to the acquisition on behalf of the registered holder-. His objections are

p9 of (T)

p13-15 of (T)

(1) That the Canara High School has applied once before on 30-12-1945 for the acquisition of the very same plot and that the then Collector had rejected the request in his order dated 18-3-1946. It is contended that the present applications stand barred by Res Indicata (judicata)

(ii) That the school has more lands than it actually needs

(iii) That Srimati Helen Mathias though now residing at Bombay with her children has no other house in her native place of Mangalore and that she would be put to inconvenience without a house when she decides to come back.

(iv) That if the acquisition were to come off Srimati Mathias may be paid a compensation of Rs.30,000/- to enable her to purchase a house elsewhere in Mangalore.

3. The Land Acquisition Officer who has inspected the plot on 9-1-1951 has discussed these objections in detail. He observes that the applications for the acquisition preferred in 1945 was for the expansion of the Canara High School and that the present application is altogether for a different purpose i.e to extend the Girls' Section of the Canara High School which has recently been permitted to open a separate High School for girls. This year the Girls' High School has already been opened with forms I to IV. It is reported that forms V and VI will also be opened. The Canara School Management has been running two Elementary Schools in the two adjacent sites opposite the Boy's High School Buildings on the other side of the main Road. These two schools have been amalgamated into one and are now run in the Girl's High School building for want of accomodation. The District E

The District Educational Officer has stated that the acquisiti of T.S.No.363 which is wedged in between the Girls' High Schoo and the Elementary School is absolutely necessary for the expa sion of the Girls' High School

4/- The details of lands now held by the Canara High School are as follows.

	Casba Bazaar Village	Kodialbail Village
	A. C.	A. C.
Moolgani and Patta Alienated	5 - 46	5- 83
Alienated	-	2. 85
Reserved for play ground	---	8. 00
	5- 46	16- 68

In 1946 the Collector (Sri. P.Ramadoss) observed that the Canara School Management was not justified in applying for the acquisition of private lands when they were themselves having nearly 13 acres of their own land. He accordingly directed that the proposals to acquire the land be dropped. Conditions have since then changed. Land is now required for the extension of the Girl's High School which has come into existance this year. The area held at present by the Canara High School cannot be said to be enough even for their present needs and much less for accommodating or extending the Girl's High School. I consider that the acquisition proposals are necessary and accordingly receommend that they may be ordered to be proceeded with.

5. The house in T.S.No.363 has been lying vacant for a long time now and the owner is reported to have permanently shifted herself over to Bombay. It is true that the owner being a native of Mangalore would like to have a house of her own here. But then the needs of the institution should also be considered in view of the public interest involved as against the interest of a single private individual. This plot is situated in the middle of a block of land owned by the school, and a school which is developing into a big institution must have a compact block for itself without any private property in the middle of it. The objection raised may therefore be over ruled.

6. The total compensation payable comes to Rs. 16678-7-0. The draft declaration submitted herewith may be approved and ordered to be published in the Fort. St.George. The served copies of the notices under Sec. 4 (1) and 5 (a) of the Act, the objection petition received from the party, the topo sketch showing the present building on the South and the north sides of the road and the records of my office D.Dis. 570-46 and Mangalore Revenue Divisional Officer's D.Dis. 203/46 are enclosed for reference and return.

Yours faithfully,

For Collector.

Sri A.R.Rajaratnam, B. A
Collector of South Kanara

The Secretary to the Board of Revenue,
Land Revenue, Chepauk, Madras/5,
(in duplicate).

Sir,

LAND ACQUISITION - (South Kanara District) - Mangalore taluk and town - Cashabasar village - T.S.No.363 for the extention of the Girls' section of the Canara High School / Draft Declaration - Further report.

Ref : Board's REF I-6447-51-2, dated 21-9-51.

The various points raised in the Board's reference cited are dealt with below

Rented out portions : - The school authorities have not let out any portion of their own buildings for rent except a small building in T.S.366 which has been given to the school peon for his occupation as he has to watch the school premises and one room in the building in T.S.349 which is being used by the High School stationary society. The allegation that the school authorities have let out portions of their own buildings to others for rent are not correct.

Idea behind acquisition :- The school authorities have no idea of extending the buildings in T.S.364/1 and 349 to 363 at present, nor is it practicable to expand or enlarge them without affecting the stability of the existing buildings.

acquisition of T.S.363 is absolutely necessary in the interest of the school was furnished by the District Educational Officer S.Kanara in his letter No.3857/B-50, dated 19-6-51 with reference to the letter No.3029-51, dated 15-1-51 of the Rev. Divl.Officer, Mangalore who is the Land Acquisition Officer, in this case. Copies of these two references are enclosed.

Unbuilt block of lands : - The vacant space in T.S.Nos 8/1,10/2 and 365 is being used as playground for boys and the vacant space in T.S.355 and 362 by girls. As these vacant blocks of lands measure only about 1½ acres , they// could hardly be considered sufficient even for playground purposes leaving alone the suggestion of having further constructions on it.

Funds : - The management of the school has sufficient funds to meet the entire cost of the acquisition even if the amount of compensation were to be enhanced in case a reference is made to the Civil Court under section 18 of the Land Acquisition Act.

objection petition together with the records of enquiry examined are enclosed

Yours faithfully,

Enclosure : One file

FOR COLLECTOR.

Copy of letter No.3029/51-D, dated 15th January, 1951 from the Revenue Divisional Officer, Mangalore addressed to the Dt.Educational Officer, Mangalore.

Land Acquisition - Mangalore taluk -, Casbabazar village - T.S. No.363 - Expansion of the Girls' section.

The authorities of the Canara High School have applied for the acquisition of T.S.363 of Casbabazar village for the purpose of extending the Girls' section of the High school. The papers were forwarded by you with your recommendation in your N.Dis.3417-50, d 26-4-50. During the actual L.A.proceedings it is now contended by the owner of T.S.363 that the Canara High School has enough land for its ~~purposes and that the land in T.S.~~ 363xxx purposes. I need an authoritative assurance by you that the Canara High School does not have enough land for its purpose and the acquisition of 33 cents of the land in T.S.363 is absolutely called for in the interest of the school. So that I may proceed with the L.A.~~xx~~ enquiry you may have certain regulations regarding the space required for each student etc. Please have it checked up whether the acquisition proposed is absolutely essential from your stand point.

Sd- S.U.P.Nayak.
Revenue Divisional Officer.

Copy of letter No.3857-B-50, dated 19-6-51 from the District Educational Officer, Mangalore to the Rev.Divl.Officer, Mangalore.

Land Acquisition : Mangalore taluk - Casbabazar village - T.S. No.363.
Ref : Your Ref.C.No.3029/51, dated 21-5-51.

-0-0-0-0-0-0-

The Management of the Canara High School mangalore has been running separate sections for their girl pupils. They have now been permitted to open a separate girls' High School and it has accordingly been opened with Forms I to IV this year.

The Management has been running also two Elementary schools in two adjacant sites on the other side of the road opposite to the Boys' High School building. The newly opened Girls' High school is ~~running~~ in two buildings of one of the Ele.schools. For this purpose the two Ele.schools have been amalgamated into one, but seven sections of the amalgamated school are still run in the Girls' ~~xxxxxx~~ High school premises for want of accommodation in the buildings of the Second Ele,school.

The Girls' highschool will be opening V and VI forms in the subsequent years and the accomodation now made available for the Ele.school classes will be wanted for itself to hold its own classes and for such purposes as Laboratory, Domestic Science room, Library etc.

It is not possible to put up additional blocks in the site of the Ele.school to accommodate its seven sections run in the Girls' High school premises, Site T.S.363 lies wedged in between the Girls' High school and the Ele.school and it has got to be acquired to provide for the seven sections of the Ele.school. I can, therefore give you the authoritative assurance which you have called for in your reference cited above that the plot applied for is absolutely essential for the management to provide accommodation for its Ele. school in the conditions created by the opening of the Girls' ~~xxxxxx~~ High School.

Copy of letter Roc.B1-19060-50, dated 7-9-50 from the Collecto of South Kanara. Mangalore to the Correspondent, Canara High School Mangalore

SUB : LAND ACQUISITION : Mangalore taluk - Casbabazar village - S. 363 - Condition offered - Provision of funds -, Requested.

REF : Your requisition received with N.Dis.670/B-50, dated 2-5-50 c the Divisional Inspector of School. Coimbattor.

2. Your letter dated 17-8-50.

I am enclosing herewith revised conditions of alienation in case. Please let me know whether you agree to abide by the follow conditio

Sanctioning funds.

agreeing to pay extra compensation, if any, that might awarded by the Court should the case be referred to it

Undertaking to use the land for the purpose of school ar no other purposes; without the sanction of the Governmer

To use the land for that purpose within a from the date of handing over the land:and

To restore the land to Government, if they so direct on payment of compensation awarded less 15 percent awarded compulsory acquisition or of the value of the land at t of restoration whichever may be less in the event of th Canara High School, Mangaloronot carrying out the purpo for which the land is acquired within the specified per using the land without the sanction of the Government time for any purpose other than for which it is acquir

The amount of any grant made by the Government towards cost of lands and of the buildings or other improvement be deducted from the compensation payable under conditio IXmX,XI

The school shall be open to members of all communities.

The purpose for which the lands are to be xxxxx acquired shall be carried out within a period of two years from the date of grant.

The Government may resume the land wholly or in part, with buildings thereon, if in their opinion, the lands are requ for a public purpose for conducting mining operations. In event of such resumption, compensation payable for the lan and trees shall be the amount paid at the time of acquisit including 15 percent xxxxxx solatium or the value at the t of resumption together with 15 percent thereof, whichever be less. If there are buildings on the land, the Governm shall pay compensation for them in accordance with the pro sions of Condition X.

In the event of resumption of the land under condition X, compensation payable for the buildings and other improvem shall be the amount paid for by them by the alienee at th time of acquisition including 15 percent solatium or thei value at the time of resumption by the Government togeth with 15 percent thereof which ever may be less together the initial cost or the value at the time of resumptio whichever may be less of any buildings erected and othe improvements effected on the land by the alienee plus cent of such cost or value.

In the event of infringement of any of the conditions of alienation or in the event of the valuntary relinquishment of the lands by the alienee, the Government may resume the lands if they are required for a public purpose or if the Government consider that they should be returned to the original owner. If the Government decide not to exercise the power and inform the alienee accordingly, the latter may dispose of the lands in any manner he likes, subject to his repaying to the Government the amount of any grant made by them towards the cost of lands and of the buildings or other improvements. In the event of resumption of the lands under this condition, the compensation payable to the alienee shall be the value of lands at the time of acquisition (less 15 percen awarded for compulsory acquisition) or their value at the time of resumption whichever may be less, together with the value of the building and other improvements at the time of resumption. If there are buildings on the land whichever the Government do not require, the alienee shall remove them at his cost. In the event of the grantee refusing to remove the buildings, the Government may remove them and realise the cost of the removal by the sale of materials.

Sd/- xxxxxxxxxx
For Collector.

Under Section 6 of the Land Acquisition Act His Excellency the Governor of Madras hereby declares that the land specified below and measuring acres 0-33 be the same a little more or less, is needed for a public purpose, to wit, for the expansion of the Girl's section of the Canara High School Mangalore and under sections 3 and 7 of the same Act The Revenue Divisional Officer, Mangalore is appointed to perform the functions of a Collector under the Act, ~~His Excellency the Governor of Madras further directs that the possession of the said land may be taken on the expiry of 15 days from the date of the publication of the notice mentioned in section 9(1) of the Act.~~ A plan of the land is kept in the office of the Revenue Divisional Office Mangalore and may be inspected at any time during office hours.

SCHEDULE.

District	Taluk	Village	Description of land wet or dry, inam or poramboke, with Survey or Paimash number.	Name of owner or occupier.

REVENUE DEPARTMENT

Subject.

Land Acquisition - (South Kanara district) - Managalore taluk and town - Casba bazar village - T.S.No.363 for the extension of the girls' section of the Canara High School - Draft declaration - Further report.

Madras. Ref. I.6447/51-4. 17th March 1952.

From Sri N.C. Thomas, B.A., Joint Secretary, Board of Revenue.
Sri M.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

Read:- South Kanara Collector's R.Dis.19060/50 dated 2-8-51.
do 26491/51 dated 29-12-51.

- - -

REFERENCE:

Submitted to the Government,

2. In the circumstances reported, the Board recommends that the objections to the acquisition may be overruled and that the draft declaration under section 6 of the Land Acquisition Act submitted by the Collector of South Kanara may be approved and ordered to be published in the Fort St. George Gazette.

3. The draft conditions of alienation submitted by the Collector are in order and may be approved.

Joint/For Secretary.

To the Secretary to Government, Education Dept.
(with enclosures).
Copy to the Collector of South Kanara.

Land Acquisition - (South Kanara) - Mangalore Taluk and Town - Casba Bazaar village - Site for the expansion of the Girls' Section of the Canara High School, Mangalore - Declaration under Section 6 of the Act - Published.

Read :- G.O. Rt. No. 509 Edn. dt. 22.11.50

From the Collector of South Kanara, R Dis 19060/50 dt 2.8.51

R.Dis 26491/51 dt 29.12.51

From the Board of Revenue, Ref I. 6447/51.4 dt 17-3-52

Order No. 167
Rt

The Government agree with the Board of Revenue that the objections raised to the acquisition of certain site for the girls' Section of the Canara High School, Mangalore, may be over-ruled. The draft declaration under section 6 of the Land Acquisition Act submitted by the Collector of South Kanara is approved and forwarded to the S.G.P. for publication in the Fort St. George Gazette.

2 ~~The draft conditions of alienation submitted by the collector are approved~~ ~~to be taken possession~~

3 After possession is taken of the land and the acquisition proceedings are complete, the Collector is requested to issue an order alienating the land on the terms already agreed upon by the management of the School.

Sd
21/52

Land Acquisition --- South Kanara Mangalore taluk and Town - Casba Bazaar village site for the expansion of the Girls' Section of the Canara High School, Mangalore --- Draft declaration

Read --- G.O. Rt. No. 389 Edn. dt. 2-11-50.
From the Collector of South Kanara, R. Dis. 19060/50 dt. 2-8-51
From the Collector of South Kanara R. Dis. 26491/51 dt. 29-12-51
From the Board of Revenue, Ref. I. 6447/51-4 dt. 17-3-52.

In G.O Rt. No. 389 Edn. dt. 2-11-50, the Govt. approved the proposals of the Collector of South Kanara for the acquisition of T.S. No 36 of Casba Bazaar village, Mangalore Town for the Canara High School Mangalore. The draft notification under Section 4(1) of the Act was also approved and ordered to be published in the Fort St. George Gazette.

2. During the enquiry under Section 5-A of the Act, certain objections were raised against the acquisition. The main objection was that the School had more lands than it required and that the school had let out portions of its own buildings for rent. The petitioner also stated that the building on the site in question was quite necessary for residential purposes and that if the acquisition was considered imperative, a compensation of Rs. 30,000/- should be paid.

3. The Land Acquisition Officer has recommended to the Collector that the site is necessary for the expansion of the institution and that therefore the objections be overruled and the acquisition proceeded with. The Collector agrees with the views of the Land Acquisition Officer. He has also reported that the management has not let out any portion of its buildings for rent. It is stated that a servant has been given free quarters and that a room has been allowed to be used by the High School Cooperative Stores. The Collr. has also forwarded a copy of a letter from the D.E.O stating that the acquisition is quite necessary. The management is reported to have adequate funds. The Board of Revenue through whom the proposals have been sent, agree with the Collr. and recommend that the objections to the acquisition may be over-ruled and the draft declaration published. In the circumstance

acquisition proceeds with. A draft order is submitted below for approval. It may be sent to Rev. U.O for acceptance prior to circulation.

25-3-52